

EXHIBIT 2

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

Monday, May 07, 2007

EVERETT HOGGE et al

PLAINTIFFS

VS.

**A.W. CHESTERTON COMPANY et
al**

DEFENDANTS

Department: 611

Case Number: CGC-06-452846

Nature of Cause:

MESOTHELIOMA

JURY TRIAL

Present:

Judge: DIANE E. WICK

Reporter: CANDACE YOUNT (not reported)

Clerk: RANI EDWARDS

Bailiff: not present

Appearing for Plaintiff (s):

**WES WAGNON, ESQ.
PAUL, HANLEY & HARLEY
PHONE: (510) 559-9980**

Appearing for Defendant(s):

**KENTILE FLOORS: DANIEL KELLY, ESQ.
QUINTEC INDUSTRIES: AVID ALAVI, ESQ.
IMO INDUSTRIES: HENRY ROME, ESQ.
GOODYEAR TIRE: BETHANY STAHLEY, ESQ.
& MICHAEL PIETRYKOWSKI, ESQ.
LESLIE CONTROL: JOHN HUGHES, ESQ.
BURNHAM, BUFFALO: CATHERINE GOLDEN, ESQ.
JOHN CRANE: ANTHONY TOPOLSKY, ESQ.
KIRKPATRICK, LOCKHART: GEOFF DAVIS, ESQ.
PRINDLE DECKON: WILLIAM HAKE, ESQ.
HOPEMAN BROTHERS: JOSEPH KUBANCIK, ESQ.
J.T.THORPE: JOSEPH KUBANCIK, ESQ.
GOULDS PUMPS: MARK WEJCIAKOWSKI, ESQ.
DURABLA: LUCINDA STORM, ESQ.
HILL BROTHERS: ROBERT BUGAITO, ESQ.
GENERAL MOTORS: PAUL LANNUS, ESQ.**

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

Monday, May 14, 2007

EVERETT HOGGE et al

PLAINTIFF

VS.

**A.W. CHESTERTON COMPANY et
al**

DEFENDANT

Department: 611

Case Number: CGC-06-452846

**Nature of Cause:
MESOTHELIOMA**

JURY TRIAL

Present:

**Judge: DIANE E. WICK
Reporter: not reported**

**Clerk: RANI EDWARDS
Bailiff: not present**

Appearing for Plaintiff (s):

**PHILIP HARLEY, ESQ.
STEPHEN HEALY, ESQ.
PAUL HANLY & HARLEY
PHONE: (510) 559-9980**

Appearing for Defendant(s):

**HILL BROS: ROBERT BUGATTO, ESQ.
JOHN CRANE CO: ROBERT NELDER, ESQ.
JOHN CRANE CO: ANTONY TOPOLSKY, ESQ.
GOULDS PUMP: MARK WOJCIECHOWSKI, ESQ.
A W CHESTERTON: JENNIFER WAYS, ESQ.
A W CHESTERTON: WILLIAM HAKE, ESQ.
KENTILE FLOORS, INC: GREGORY THOMING, ESQ.
HOPEMAN BROS: JOSEPH KUBANCIK, ESQ.**

At 9:40 a.m. having continued this trial from Friday, May 11th, jury trial resumed this day. All present, as above listed

Off the record, Mr. Harley gave the Court a status of the remaining defendants.

IMO Industries, resolved

A W Chesterton, Gould Pumps and Kentile Floors are currently discussing settlement and may resolve within the next two days.

Mr. Pietrykowski advised the Court that Good Year Tires, and Leslie Controls resolved

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

The remaining defendants that will go to verdict at this time are: John Crane, Hill Brothers and or Hopeman Brothers

Mr. Harley advised the Court that Mr. Hanley is having a conference with Judge Robertson. The Court excused Mr. Kubancik and Mr. Bugatto to meet with Judge Robertson for further settlement discussions; remaining defendants were ordered to remain in this department to proceed with trial.

At 10:25 a.m. off the record, the Court and remaining defendant John Crane, Gould Pumps and A W Chesterton reviewed and advised the Court which motions in limine will be argued. The Court recommended counsel meet and confer on motions in limine and appear here at 1:30 p.m.

At 1:45 p.m. off the record, counsel appeared as ordered by the Court. Each remaining defendant stated the status of their settlement conference with Judge Robertson. Mr. Wojcieskowski advised the Court that Gould Pumps has resolved its case. Mr. Kubancik advised the Court that Judge Robertson ordered him to appear again in his courtroom on Tuesday, May 15th at 8:45 a.m. He was excused from this courtroom until Tuesday, May 15th after conducting a settlement conference with Judge Robertson.

At 3:40 p.m. off the record, Mr. Hughes advised the Court that he will be appearing in Judge Robertson's department for further settlement discussions. The only remaining defendant not appearing before Judge Robertson is Mr. Nelder who represents John Crane Co. Court and counsel conferred off the record regarding motion in limine.

At 3:55 p.m. the Court ordered counsel to appear in this courtroom after their conference with Judge Robertson.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

Tuesday, May 15, 2007

EVERETT HOGGE et al

PLAINTIFF

VS.

A.W. CHESTERTON COMPANY et
al

DEFENDANT

Department: 611

Case Number: CGC-06-452846

Nature of Cause:
MESOTHELIOMA

JURY TRIAL

Present:

Judge: DIANE E. WICK
Reporter: not reported

Clerk: RANI EDWARDS
Bailiff: not present

Appearing for Plaintiff (s):

STEPHEN HEALY, ESQ.
PHONE: (510) 559-9980

Appearing for Defendant(s):

JOHN CRANE CO.: ROBERT NELDER, ESQ.
HOPEMAN BROS: JOSEPH KUBANCIK, ESQ.

At 9:45 a.m. having continued this trial from Monday, May 14th, jury trial resumed this day.
All present, as above listed

Court and counsel conferred, off the record. Court was advised that A W Chesterton and Kentile Floors have resolved their cases. Remaining defendants are John Crane Co. and Hopeman Brothers.

Attorneys were ordered to meet and confer amongst themselves on exhibits and the form of jury questionnaires. The Court requested respective counsel to produce certain documents establishing damages, if any.

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

Thursday, May 17, 2007

EVERETT HOGGE et al

PLAINTIFF

VS.

**A.W. CHESTERTON COMPANY et
al**

DEFENDANT

Department: 611

Case Number: CGC-06-452846

**Nature of Cause:
MESOTHELIOMA**

JURY TRIAL

Present:

**Judge: DIANE E. WICK
Reporter: not reported**

**Clerk: RANI EDWARDS
Bailiff: not present**

Appearing for Plaintiff (s):

Appearing for Defendant(s):

NO APPEARANCE as ordered by the Court

NO APPEARANCE as ordered by the Court

At 9:45 a.m. off the record, a panel of 200 prospective jurors assembled in the jury room. Roll call was taken and the Voir Dire Oath administered.

At 10:00 a.m. off the record, the Court gave a brief synopsis of the case and advised the jury of the schedule for this trial.

The Court asked prospective jurors who had any form of hardship to fill out the hardship forms. The Court reviewed hardship forms submitted and jurors were excused accordingly.

Prospective jurors who did not seek any form of hardship filled out questionnaires and were ordered to return on Monday, May 21st at 9:00 a.m.

Counsel were previously ordered to return on Friday, May 18th at 10:00 a.m.

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

Friday, May 18, 2007

EVERETT HOGGE et al

PLAINTIFF

VS.

**A.W. CHESTERTON COMPANY et
al**

DEFENDANT

Department: 611

Case Number: CGC-06-452846

**Nature of Cause:
MESOTHELIOMA**

JURY TRIAL

Present:

**Judge: DIANE E. WICK
Reporter: CANDACE YOUNT**

**Clerk: RANI EDWARDS
Bailiff: not present**

Appearing for Plaintiff (s):

**STEPHEN HEALY, ESQ.
PHONE: (510) 559-9980**

Appearing for Defendant(s):

**ROBERT NELDER, ESQ.
PHONE: 288-9800**

At 10:15 a.m. having continued this trial from Thursday, May 17th, trial resumed this day. All present, as above listed

Off the record, Court and counsel conferred on jury questionnaires and the selection process. The Court advised counsel that jury selection will commence on Monday and that the process will continue on Wednesday, May 23rd.

The Court advised Mr. Nelder that the page and line number of the deposition must be completed and submitted to the Court by Tuesday, May 22nd.

At 10:35 a.m. on the record, due to the serious illness of plaintiff, the plaintiff will not be present to testify. The Court, having heard oral argument, allowed plaintiff to have a video taped

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

Monday, May 21, 2007

EVERETT HOGGE et al

PLAINTIFF

VS.

A.W. CHESTERTON COMPANY et
al

DEFENDANT

Department: 611

Case Number: CGC-06-452846

Nature of Cause:
MESOTHELIOMA

JURY TRIAL

Present:

Judge: DIANE E. WICK
Reporter: CANDACE YOUNT

Clerk: RANI EDWARDS
Bailiff: not present

Appearing for Plaintiff (s):

STEPHEN HEALY, ESQ.
PHONE: (510) 559-9980

Appearing for Defendant(s):

ROBERT NELDER, ESQ.
ANTHONY TOPOLSKY, ESQ.
PHONE: 288-9800

At 9:25 .m. having continued this trial from Friday, May 18th, trial resumed this day. All present, as above listed. Also present as a jury trial consultant on behalf of the plaintiff was Mr. George Kitch. By stipulation of counsel, voir dire will not be reported. Off the record, as stipulated by counsel, roll call was taken; all but 3 prospective jurors are present. Manuel AguilarSoto; David Levy; and Ronald Pelland are absent. The Court ordered 31 prospective jurors be seated in the jury box and the extended jury box. The Court gave the scheduling for this trial and further examined several of the 31 prospective jurors as to their qualification to serve as trial jurors.

At 9:55 a.m. The Court gave a brief synopsis of the case

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

Wednesday, May 23, 2007

EVERETT HOGGE et al

PLAINTIFF

VS.

**A.W. CHESTERTON COMPANY et
al**

Department: 611

Case Number: CGC-06-452846

Nature of Cause:

MESOTHELIOMA

JURY TRIAL

Present:

**Judge: DIANE E. WICK
Reporter: CANDACE YOUNT**

**Clerk: DAVID SWANSON
Bailiff: not present**

Appearing for Plaintiff(s):

**STEPHEN HEALY, ESQ.
PHONE: (510) 559-9980**

Appearing for Defendant(s):

**ROBERT NELDER, ESQ.
ANTHONY TOPOLSKY, ESQ.
PHONE: 288-9800**

At 8:30 a.m. having continued this trial from Monday, May 22., jury trial resumed this day.

At 8:30 a.m. the court and respective counsel met in chambers off of the record and out of the presence of the jury.

At 8:48 a.m. the jury, court and court staff were all present and Stephen Healy presented an opening statement.

At 9:15 a.m. Robert Nelder presented an opening statement.

At 9:35 a.m. the court ordered a recess until 9:55 a.m.

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

May 24, 2007

EVERETT HOGGE et al

PLAINTIFF

VS.

A.W. CHESTERTON COMPANY et
al

DEFENDANT

Department: 611

Case Number: CGC-06-452846

Nature of Cause: ASBESTOS –
MESOTHELIOMA

JURY TRIAL

Present:

Judge: DIANE ELAN WICK
Reporter: CANDACE YOUNT #2737

Clerk: DANIAL LEMIRE
Bailiff:

Appearing for Plaintiff (s):

STEPHEN HEALY, ESQ.
PHONE: (510)559-9980

Appearing for Defendant(s):

ROBERT NELDER, ESQ.
ANTHONY TOPOLSKY, ESQ.
PHONE: (415)288-9800

8:30am Trial resumes this day after having been continued from Wednesday, May 23, 2007.
8:39am Plaintiff, Priscilla Hogge, is sworn and testifies on her own behalf.
8:58am The plaintiff is thanked and excused without cross-examination.
The jury is admonished and excused for a short break.
9:12am The trial resumes with all parties present.
For the purpose of introducing the plaintiff, Everett Hogge, a short portion of his
videotaped testimony is played in open court for the jury.
The remainder of the plaintiff's deposition is read in open court with Mordechai Pelta
reading the part of the plaintiff Everett Hogge.
Counsel waives the court reporter during the reading of the deposition.

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

Monday, June 04, 2007

EVERETT HOGGE et al

PLAINTIFF

VS.

A.W. CHESTERTON COMPANY et
al

DEFENDANT

Department: 611

Case Number: CGC-06-452846

Nature of Cause:
MESOTHELIOMA

JURY TRIAL

Present:

Judge: DIANE E. WICK
Reporter: CANDACE YOUNT

Clerk: RANI EDWARDS
Bailiff: not present

Appearing for Plaintiff (s):

STEPHEN HEALY, ESQ.
PHONE: (510) 559-9980

Appearing for Defendant(s):

ROBERT NELDER, ESQ.
ANTHONY TOPOLSKY, ESQ.
PHONE: 288-9800

At 8:10 a.m. having continued this trial from Friday, May 25, 2007, Court and counsel met and conferred in chambers, off the record

At 8:35 a.m. in open court, all present, as above listed, including members of the jury. The Court advised the jury that the matter will be stayed until Monday, June 11th. The jury was admonished and ordered to return on Monday, June 11th at 8:30 a.m. Should there be a change of status, the jury will be advised accordingly.

At 9:05 a.m. outside the presence of the jury, the Court advised counsel that the case will proceed on Monday, June 11th. In the meantime, counsel to meet and confer on witness scheduling. The Court advised counsel that due to the circumstances, witnesses will be taken out

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

of order in order to accommodate them and to also retain the jury who were to advised that the trial end date is June 22nd.

Court adjourned until Monday, June 11th at 8:30 a.m.

Case Number: CGC-06-452846

Case Title: EVERETT HOGGE et al VS. A.W. CHESTERTON COMPANY et al

EXHIBIT 3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <div style="text-align: right;">TELEPHONE NO.: 818 865-2807</div> <p>Jerry Neil Paul, Esq. (State Bar No. 94247) 5716 Corsa Avenue, Suite 203 Westlake Village, California 91362</p>	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Francisco JUN 01 2007 GORDON PARK-LI, Clerk BY: JUDITH NUNEZ Deputy Clerk
ATTORNEY FOR (Name): Plaintiff Insert name of court and name of judicial district and branch court, if any: SUPERIOR COURT OF THE STATE OF CALIFORNIA San Francisco, California 94102	
PLAINTIFF/PETITIONER: EVERETT C. HOGGE et al. DEFENDANT/RESPONDENT: A.W. CHESTERTON COMPANY et al.	
REQUEST FOR DISMISSAL <input checked="" type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Asbestos Exposure	
CASE NUMBER: 452846	

— A conformed copy will not be returned by the clerk unless a method of return is provided with the document. —

1. TO THE CLERK: Please dismiss this action as follows:

a. (1) ☒ With prejudice (2) ☐ Without prejudice

b. (1) ☒ Complaint (2) ☐ Petition

(3) ☐ Cross-complaint filed by (name):

on (date):

(4) ☐ Cross-complaint filed by (name):

on (date):

(5) ☐ Entire action of all parties and all causes of action


(6) ☒ Other (specify): **As to defendant HILL BROTHERS CHEMICAL COMPANY ONLY**

Date: **MAY 21, 2007**

Jerry Neil Paul, Esq.

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

PAUL, HANLEY & HARLEY LLP

(SIGNATURE)

 Attorney or party without attorney for:

* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

☒ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-complainant

2. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

(SIGNATURE)
 Attorney or party without attorney for:

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-complainant

(To be completed by clerk)

3. ☐ Dismissal entered as requested on (date):

4. ☐ Dismissal entered on (date): as to only (name):

5. ☐ Dismissal not entered as requested for the following reasons (specify):

6. ☐ a. Attorney or party without attorney notified on (date):

b. Attorney or party without attorney not notified. Filing party failed to provide

☐ a copy to conform ☐ means to return conformed copy

Date:

Clerk, by _____, Deputy

EXHIBIT 4

HASSARD BONNINGTON LLP
B. THOMAS FRENCH, ESQ., State Bar No. 65848
ROBERT L. NELDER, ESQ., State Bar No. 125426
Two Embarcadero Center, Suite 1800
San Francisco, California 94111-3941
Telephone: (415) 288-9800
Fax: (415) 288-9802
btf@hassard.com

Attorneys for Defendant
JOHN CRANE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EVERETT HOGGE and
PRISCILLA HOGGE,

Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, et al.,

Defendants.

No.

(San Francisco County Superior Court
Case No. CGC-06-452846)

NOTICE OF REMOVAL
28 U.S.C. Section 1441(b)
(Diversity Jurisdiction)

TO THE CLERK AND THE HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA:

Defendant John Crane Inc. (hereinafter "John Crane" or "Defendant")
hereby removes to the United States District Court for the Northern District of
California, the following state court action: Everett Hogge and Priscilla Hogge,
plaintiffs v. A. W. Chesterton Company, et al., defendants, which was filed as Case
No. CGC-06-452846 in the Superior Court of the State of California, County of San
Francisco.

Removal of this action is authorized under 28 U.S.C. section 1441(b),
diversity of citizenship, based on the following facts:

1. On or about June 2, 2006, plaintiffs Everett Hogge and Priscilla

1 Hogge ("plaintiffs") commenced an action against Defendant by filing their complaint
2 with the Superior Court of the State of California, County of San Francisco. True and
3 correct copies of the summons and the complaint ("Complaint"), together with Paul &
4 Hanley, LLP's Master Complaint – Asbestos, which was filed on September 7, 2000,
5 are attached to the accompanying declaration of B. Thomas French as Exhibit 1.

6 2. It is undisputed that plaintiffs Everett Hogge and Priscilla Hogge
7 are citizens of the State of Virginia. Plaintiff states in response to interrogatories
8 served in this case that they have lived in Glouster, Virginia from 1988 to the present.
9 (Please see Exhibit 2 attached to the accompanying declaration of Robert Hamblett,
10 responses to Interrogatory Nos. 1 and 5.)

11 3. At the time the complaint was filed, it could not be removed for
12 multiple reasons including that one or more California defendants were named and
13 sued in the Complaint.

14 4. One of the defendants named in the complaint is Hill Brothers
15 Chemical Company. Hill Brothers Chemical Company is a California corporation with
16 its principal place of business in California. Attached as Exhibit 3 to the
17 accompanying declaration of B. Thomas French is a true and correct copy of a
18 printout from the California Secretary of State's website (www.ss.ca.gov/corpdata)
19 identifying Hill Brothers Chemical Company as a California corporation with its
20 principal place of business at 1675 N. Main St., Orange, California.

21 5. As of May 11, 2007, six defendants remained in the Hogge
22 matter, one of which was Hill Brothers Chemical Company. Attached as Exhibit 4 to
23 the accompanying declaration of B. Thomas French is a true and correct copy of the
24 Court's May 14, 2007 Minute Order reflecting the parties as of May 11, 2007.

25 6. As of May 15, 2007, after additional settlements, only two
26 defendants remained: John Crane Inc. and Hopeman Brothers, Inc. Attached as
27 Exhibit 5 to the accompanying declaration of B. Thomas French is a true and correct
28 copy of the Court's May 15, 2007 Minute Order reflecting the parties as of that date.

1 Hill Brothers Chemical Company was, as of May 15, 2007, no longer a defendant in
2 the action.

3 7. Hopeman Brothers, Inc., is a Delaware corporation with its
4 principal place of business is in North Carolina. Attached as Exhibit 6 to the
5 accompanying declaration of B. Thomas French is a true and correct copy of a
6 printout from the Hopeman Brothers, Inc., as a Delaware corporation with its principal
7 place of business at 155 Sunnynoll Ct., Suite 300, Winston Salem, North Carolina.

8 8. Defendant John Crane Inc. is now the only remaining defendant
9 in this lawsuit. John Crane Inc. is a Delaware corporation with its principal place of
10 business in Illinois. Attached as Exhibit 7 to the accompanying declaration of B.
11 Thomas French is a true and correct copy of a printout from the California Secretary
12 of State's website (www.ss.ca.gov/corpdata) identifying John Crane Inc. as a
13 Delaware Corporation with its principal place of business in Morton Grove, Illinois.

14 9. Defendant timely files this notice of removal on or about June 1,
15 2007, less than 30 days after receiving written notice of removability. 28 U.S.C.
16 §1446(b).

17 10. The amount in controversy in this lawsuit exceeds \$75,000.
18 Plaintiffs have recently filed formal demands in State Court against defendant John
19 Crane for amounts well in excess of the jurisdictional requirement. Attached as
20 Exhibit 8 to the accompanying declaration of B. Thomas French is a true and correct
21 copy of Plaintiffs' C.C.P. §998 Offer to Compromise to Defendant John Crane Inc.,
22 which shows the amounts of plaintiffs' demands at page 3.

23 11. Attached as Exhibit 9 to the accompanying declaration of B.
24 Thomas French is a true and correct copy of an economic damages report created by
25 plaintiffs' expert, Dr. Barry Ben-Zion. Dr. Ben-Zion calculated plaintiffs' total
26 economic damages to be \$2,161,850.

27 12. Because this Court is the United States District Court for the
28 district and division embracing the place where the original State Court Complaint

1 was filed, it is the appropriate court for removal under 28 U.S.C. §1446(a).

2 13. Attached as Exhibit 10 to the accompanying declaration of B.
3 Thomas French is a copy of the Register of Actions in the state court proceeding. As
4 appears from Exhibit 10, the state court file is voluminous. To the extent that this
5 Court requires copies of records and proceedings in the state court proceeding,
6 Defendant respectfully requests this Court to issue a writ of certiorari to obtain these
7 voluminous documents from the San Francisco Superior Court pursuant to U.S.C.
8 §1447(b).

9 14. John Crane Inc. also intends to seek transfer of this action to the
10 Eastern District of Pennsylvania, where all Federal Court asbestos actions have been
11 centralized in a single forum, i.e., *In re Asbestos Products Liability Litigation* (Multi
12 District Litigation Docket No. 875), pursuant to 28 U.S.C. §1407. Accordingly,
13 Defendant is concurrently filing a Notice of Pendency of Other Action regarding
14 MDL 875.

15 WHEREFORE, defendant John Crane Inc. respectfully removes the
16 above-described state court action to this Court and requests that all further
17 proceedings in this action be conducted before this Court as provided by law.

18 Dated: June 1, 2007

19 HASSARD BONNINGTON LLP

20
21 By: 
22 B. Thomas French

23 Attorneys for Defendant
24 JOHN CRANE INC.
25
26
27
28

PROOF OF SERVICE

Case Name: Everett Hogge, et al. v. A.W. Chesterton Company, et al.
San Francisco County Superior Court Case No. CGC-06-452846

1. At the time of service I was over 18 years of age and not a party to this action.
2. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is Two Embarcadero Center, Suite 1800, San Francisco, CA 94111.
3. On June 1, 2007, I served the following documents:

**NOTICE TO STATE COURT AND TO ALL PARTIES OF REMOVAL
TO UNITED STATES DISTRICT COURT**

4. I served the documents on the persons below as follows:

Dean A. Hanley, Esq.
Philip A. Harley, Esq.
Robert L. Barrow, Esq.
PAUL, HANLEY & HARLEY LLP
1608 Fourth Street, Suite 300
Berkeley, CA 94710
Telephone: (510) 559-9980
FAX: (510) 559-9970

5. The documents were served by the following means (specify):

By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 1, 2007, at San Francisco, California.


Michele Smith

PROOF OF SERVICE

CASE NAME: Everett Hogge, et al. v. A. W. Chesterton Company, et al.

COURT: San Francisco County Superior Court

CASE NUMBER: GCG-06-452846

I, the undersigned, hereby certify that I am a citizen of the United States, over the age of eighteen years, and am not a party to the within action. I am employed in the City and County of San Francisco, California, and my business address is Two Embarcadero Center, Suite 1800, San Francisco, California 94111-3993. On the date last written below, following ordinary business practice, I electronically served the following document(s):

NOTICE TO STATE COURT AND TO ALL PARTIES OF REMOVAL
TO UNITED STATES DISTRICT COURT

via LexisNexis File & Serve on the recipients below and designated on the Transaction Receipt located on the LexisNexis File & Serve website:

Dean A. Hanley, Esq.
Philip A. Harley, Esq.
Robert L. Barrow, Esq.
PAUL, HANLEY & HARLEY LLP
1608 Fourth Street, Suite 300
Berkeley, CA 94710
Telephone: (510) 559-9980
FAX: (510) 559-9970

I declare under penalty of perjury that the foregoing is true and correct and that this Proof of Service was executed on June 1, 2007, at San Francisco, California.


Michele Smith

Michele Smith | [Switch Client](#) | [Preferences](#) | [History](#) | [Sign Out](#)**Total Litigator**
[Home](#) | [Early Case Assessment](#) | [Draft, File & Serve](#) | [Discovery](#) | [Research](#) | [Gather Intelligence](#) | [Trial Prep](#) | [Alerts & Tracks](#) | [Search by Source](#) | [Litigation Tools](#)
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[Home](#) > **Transaction 15087064**[Printable Version](#)<< [Previous transaction](#) | [Next transaction](#)**Case number:** 452846 [\[View Case History\]](#)

Filed and served at 6/1/2007 3:26 PM P

Case name: Hogge, Everett C vs A W Chesterton Co (Paul Hanley)**Court:** CA Superior Court County of San Francisco**Judge:** Judge, Asbestos☒ View all document(s) as a list ☐ View document(s) inline☐ **Document List (1)** **Total Statutory Fees: \$0.00****Main Document, 9 pages ID: 17724674**[Document History](#) | [PDF Format](#) | [Original Format](#)**Document type:** Notice (Other)**Clerk review status/action:** Accepted**Security:** Public**Date reviewed:** 6/7/2007**Statutory fee:** \$0.00**Document title:** NOTICE TO STATE COURT AND TO ALL PARTIES OF REMOVAL TO UNITED STATES DISTRICT COURT☐ **Other Transaction Data****Transaction Comment:**

None

Financial Comment:

None

Client matter code

1850-1251

☐ **Sending Parties and Recipients**☐ **Sending Parties (1)**

<u>Party</u>	<u>Party Type</u>	<u>Attorney</u>	<u>Attorney Type</u>	<u>Firm</u>
John Crane Inc	Defendant	Nelder, Robert	Attorney in Charge	Hassard Bonnington LLP

☐ **Recipients (1)**

<u>Party</u>	<u>Party Type</u>	<u>Attorney</u>	<u>Firm</u>	<u>Delivered</u>	<u>Method</u>	<u>Type</u>
Hogge, Everett C	Plaintiff	Robert Barrow	Paul Hanley & Harley LLP-Berkeley	6/1/2007 3:26 PM PDT	E-Service	Service

☐ **Additional Recipients (0)**Document/NoticeNameMethodDelivered

none available

Service of Process:

3:07-cv-02873-MJJ Hogge et al v. A.W. Chesterton Company

ADRMOP, E-Filing

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

NOTE: Please read this entire notice before calling the Help Desk. If you have questions, please email the Help Desk by replying to this message; include your question or comment along with the original text.

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The following transaction was received from by French, Bryant entered on 6/7/2007 12:24 PM and filed on 6/7/2007

Case Name: Hogge et al v. A.W. Chesterton Company

Case Number: 3:07-cv-2873

Filer: John Crane, Inc.

Document Number: 20

Docket Text:

CERTIFICATE OF SERVICE by John Crane, Inc. *OF NOTICE TO ADVERSE PARTY OF REMOVAL TO FEDERAL COURT* (French, Bryant) (Filed on 6/7/2007)

3:07-cv-2873 Notice has been electronically mailed to:

Bryant Thomas French btf@hassard.com, rmw@hassard.com

Dean Allan Hanley dhanley@phhlaw.com

Philip Allan Harley DSage@PHHLaw.com

Robert Lee Nelder rln@hassard.com

3:07-cv-2873 Notice has been delivered by other means to:

Robert L. Barrow

aul, Hanley & Harley LLP
608 Fourth Street
uite 300
erkeley, CA 94710

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:p:\wdocs\hbmain\01850\01251\00222753.pdf

Electronic document Stamp:

STAMP CANDStamp_ID=977336130 [Date=6/7/2007] [FileNumber=3506704-0] [
1d35f84087cf74ac7588e6d217ca1bc10e41800391dace4aa2020ad57998380a63e31
dc156468abc8f04f66ac08338382d7f7aea894c361a1c1a5b61f4f425]]

HASSARD BONNINGTON LLP
B. THOMAS FRENCH, ESQ., State Bar No. 65848
ROBERT L. NELDER, ESQ., State Bar No. 125426
Two Embarcadero Center, Suite 1800
San Francisco, California 94111-3941
Telephone: (415) 288-9800
Fax: (415) 288-9802
btff@hassard.com

Attorneys for Defendant
JOHN CRANE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EVERETT HOGGE and
PRISCILLA HOGGE,

Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, et al.,

Defendants.

No. C-07-2873-EDL

(San Francisco County Superior Court
Case No. CGC-06-452846)

CERTIFICATE OF SERVICE OF
NOTICE TO ADVERSE PARTY OF
REMOVAL TO FEDERAL COURT

I, Michele Smith, certify and declare as follows:

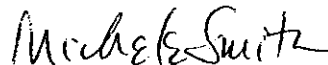
1. I am over the age of 18 years and not a party to this action.

2. My business address is Hassard Bonnington LLP, Two

Embarcadero Center, Suite 1800, San Francisco, California 94111, which is located
in the city, county, and state where the mailing described below took place.

3. On June 1, 2007, I deposited in the United States Mail at San
Francisco, California, a copy of the Notice to State Court And To All Parties Of
Removal To United States District Court dated June 1, 2007, a copy of which is
attached to this Certificate.

I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct. Executed on June 4, 2007 at San
Francisco, California.


Michele Smith

CERTIFICATE OF SERVICE

Case Name: Everett Hogge, et al. v. A.W. Chesterton Company, et al.
San Francisco County Superior Court Case No. CGC-06-452846

1. At the time of service I was over 18 years of age and not a party to this action.
2. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is Two Embarcadero Center, Suite 1800, San Francisco, CA 94111.
3. On June 4, 2007, I served the following documents:

**CERTIFICATE OF SERVICE OF NOTICE TO ADVERSE PARTY
OF REMOVAL TO FEDERAL COURT**

4. I served the documents on the **persons** below as follows:

Dean A. Hanley, Esq.
Philip A. Harley, Esq.
Robert L. Barrow, Esq.
PAUL, HANLEY & HARLEY LLP
1608 Fourth Street, Suite 300
Berkeley, CA 94710
Telephone: (510) 559-9980
FAX: (510) 559-9970

5. The documents were served by the following means (specify):

By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 4, 2007, at San Francisco, California.


Michele Smith

EXHIBIT 5

F

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EVERETT HOGGE AND PRISCILLA HOGGE,

No. C07-02873 MJJ

Plaintiff,

**ORDER GRANTING PLAINTIFFS'
MOTION TO REMAND**

v.

A W CHESTERTON COMPANY,

Defendant.

Before the Court is Plaintiffs Everett Hogge and Priscilla Hogge ("Plaintiffs") Motion to Remand.¹ Defendant John Crane Inc. ("Defendant") opposes the motion. The Court having considered the parties' arguments and upon good cause shown **GRANTS** Plaintiffs' motion.

Pursuant to 28 U.S.C. § 1441(a), a defendant in a civil action may remove a case from state court to federal district court if the district court has subject matter jurisdiction over the case. The district court has subject matter jurisdiction over a case if there is diversity of citizenship between the parties or if the action is founded on a claim arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1441(b); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity jurisdiction); *Ethridge v. Harbor House Restaurant*, 861 F.2d 1389, 1393 (9th Cir. 1988). Section 1441(b) further provides that if the basis for federal jurisdiction is diversity of citizenship, removal is available only if no defendant is a citizen of the forum state. As the party seeking to

¹Docket No. 16.

1 remove the action, the defendant bears the burden of establishing that subject matter jurisdiction
2 exists. *Ethridge*, 861 F.2d at 1393. Because the Court strictly construes the removal statute against
3 removal, if there is any doubt as to the existence of federal jurisdiction, the Court should remand the
4 matter to state court. *See Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

5 Because the record before the Court does not establish that binding settlement agreements
6 have eliminated all non-diverse Defendants from the state court action, complete diversity did not
7 exist as of the time of removal. Accordingly, this Court is without subject matter jurisdiction. For
8 the foregoing reason, the Court **GRANTS** Plaintiffs' Motion to Remand.

9
10 **IT IS SO ORDERED.**

11
12 Dated: June 8, 2007



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

EXHIBIT 6

Tom French

From: ECF-CAND@cand.uscourts.gov
Sent: Monday, June 11, 2007 9:31 AM
To: efiling@cand.uscourts.gov
Subject: Activity in Case 3:07-cv-02873-MJJ Hogge et al v. A.W. Chesterton Company Remark

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

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If there is no second hyperlink, there is no electronic document available.

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The following transaction was received from entered on 6/11/2007 9:30 AM and filed on 6/11/2007

Case Name: Hogge et al v. A.W. Chesterton Company

Case Number: 3:07-cv-2873

Filer:

WARNING: CASE CLOSED on 06/08/2007

Document Number: 31

Docket Text:

Certified copy of docket sheet and remand order sent to San Francisco Superior Court. (slh, COURT STAFF) (Filed on 6/11/2007)

3:07-cv-2873 Notice has been electronically mailed to:

Bryant Thomas French btf@hassard.com, rmw@hassard.com

Dean Allan Hanley dhanley@phhlaw.com

Philip Allan Harley DSage@PHHLaw.com

Robert Lee Nelder rln@hassard.com

3:07-cv-2873 Notice has been delivered by other means to:

7/10/2007

EXHIBIT 6

Robert L. Barrow
Paul, Hanley & Harley LLP
1608 Fourth Street
Suite 300
Berkeley, CA 94710

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:N:\pdf\07-2873 remand.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=6/11/2007] [FileNumber=3513192-0]

[3e759777f1aa8c3ac75d0d42bcfce770b59228eea51e49b1a82c2b2c745be8a0ade1c
976b10dfe2c45e60aa2abaaacd6c82fcfd2c965ea0d5e52e26d774fad94]]

UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking
Clerk

General Court Number
415.522.2000

June 11, 2007

San Francisco Superior Court
400 McAllister Street
San Francisco, CA 94102

RE: CV 07-02873 MJJ Everett Hogge and Priscilla Hogge-v-A W Chesterton Company
Your Case Number: (CGC 06-452846)

Dear Clerk,

Pursuant to an order remanding the above captioned case to your court, transmitted
herewith are:

- ☒ Certified copies of docket entries
- ☒ Certified copies of Remand Order
- ☐ Other

Please acknowledge receipt of the above documents on the attached copy of this letter.

Sincerely,

RICHARD W. WIEKING, Clerk

by: /s/ Sheila Rash
Case Systems Administrator

Enclosures

Copies to counsel of record

EXHIBIT 7

Robert Nelder

From: Stephen J. Healy (SJH) [SHealy@phhlaw.com]
Sent: Saturday, June 02, 2007 4:11 PM
To: Tony Topolsky
Cc: Robert Nelder
Subject: Re: Hogge, Everett: Dr. Brody

No. After receiving the notice of removal to federal court, I notified all of our witnesses not to appear

I believe it is fairly certain that Judge Wick lost jurisdiction over the case. I anticipate JOHN CRANE will lose when opposing our motion to remand. However, I cannot imagine that our motion to remand will be prepared, filed, heard and ruled upon on Monday.

I anticipate it will take 14 to 21 days, at best, if things move at a very swift pace.

----- Original Message -----

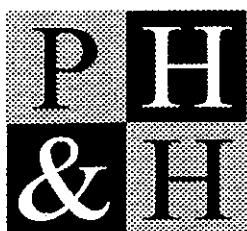
From: Tony Topolsky <ATT@hassard.com>
To: Stephen J. Healy (SJH)
Cc: Robert Nelder <RLN@hassard.com>
Sent: Sat Jun 02 15:58:14 2007
Subject: Hogge, Everett: Dr. Brody

Are you still planning on having Dr. Brody testify on Monday??

Tony Topolsky, Esq.
Hassard Bonnington LLP
Two Embarcadero Center, Suite 1800
San Francisco, CA 94111-3993
(415) 288-9800
(415) 288-9801 fax
att@hassard.com <blocked::mailto:att@hassard.com>

Tony Topolsky, Esq. and Hassard Bonnington LLP do not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format. The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful. _____

EXHIBIT 8



Paul, Hanley & Harley LLP

Trial Lawyers for Injured Workers and Their Families.

May 22, 2007

SENT VIA FACSIMILE ONLY

CALEDNARED

ALL COUNSEL

Re: Everette Hogge, et ux. v. A.W. Chesterton Co., et al.
SFSC Case No. 452846

Dear Counsel:

The appearance of plaintiffs' witnesses at trial will proceed according to the schedule outlined below.

Witnesses identified for a given day may well carry over to a subsequent day, although not necessarily the next day. Plaintiffs reserve the right to advance or rearrange the order of witnesses should it become necessary to accommodate schedules. Witnesses may be taken out of order or interrupted to accommodate other witnesses.

Wednesday, May 23, 2007

Opening statements
Dr. Robert Fallat

Thursday, May 24, 2007

Priscilla Hogge
Winifer Hogge
Videotaped testimony of Everette Hogge

Friday, May 25, 2007

Dr. Samuel Hammar

Monday, May 28, 2007 through June 1, 2007: No court session

Monday, June 4, 2007

Dr. Arnold Brody
Dr. Richard Cohen

Tuesday, June 5, 2007

Dr. Allan Smith
Herbert Stanley

Wednesday, June 6, 2007

Dr. Barry Ben-Zion

Very truly yours,

/s/

Diana Sage
Paralegal

Jerry Neil Paul
Dean A. Hanley
Philip A. Harley

David L. Amell
Robert L. Barrow
Jennifer K. Berg
Robert M. Brown
Gloria E. Chun
Christopher E. Clay
Langston M. Edwards
Benjamin D. Goldstein
Alina C. Guzmán
Carlos J. Guzmán
Jason E. Hasley
Stephen J. Healy
Rohit S. Kodical
Young S. Lee
J. Rae Lovko
Kelly A. McMeekin
Paul M. Myers
Jon R. Neumann
Eric N. Perram
Lisa A. Phcatt
Joshua O. Reed
Deborah R. Rosenthal
Douglas A. Rothschild
Mark A. Swanson
Joseph L. Urbanski
Wes W. Wagnon
C. Daniel Wasson

of counsel

Madelyn J. Chaber
Francine S. Curtis
Anthony E. Vieira

Northern

California Office

1608 Fourth Street, Suite 300
Berkeley, California 94710
Telephone: (510) 559-9980
Facsimile: (510) 559-9970
Email: NorCal@PHHLaw.com
www.PHHLaw.com

Southern

California Office

5716 Corsa Avenue, Suite 203
Westlake Village, California 91362
Telephone: (818) 865-2807
Facsimile: (818) 865-0805
Email: SoCal@PHHLaw.com

Los Angeles Office

Telephone: (213) 689-3278

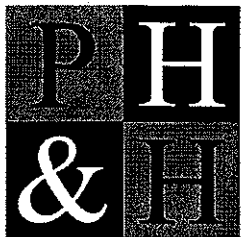
San Francisco Office

Telephone: (415) 255-7899

San Diego Office

Telephone: (619) 232-0131

EXHIBIT 9



Paul, Hanley & Harley LLP

Trial Lawyers for Injured Workers and Their Families.

May 25, 2007

**Jerry Neil Paul
Dean A. Hanley
Philip A. Harley**

David L. Amell
Robert L. Barrow
Jennifer K. Berg
Robert M. Brown
Gloria E. Chun
Christopher E. Clay
Langston M. Edwards
Benjamin D. Goldstein
Alina C. Guzmán
Carlos J. Guzmán
Jason E. Hasley
Stephen J. Healy
Rohit S. Kodical
Young S. Lee
J. Rae Lovko
Kelly A. McMeekin
Paul M. Myers
Jon R. Neumann
Eric N. Perram
Lisa A. Pheatt
Joshua O. Reed
Deborah R. Rosenthal
Douglas A. Rothschild
Mark A. Swanson
Joseph L. Urbanski
Wes W. Wagnon
C. Daniel Wasson

of counsel

Madelyn J. Chaber
Francine S. Curtis
Anthony E. Vieira

**Northern
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Berkeley, California 94710
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Facsimile: (510) 559-9970
mail: NorCal@PHHLaw.com
www.PHHLaw.com

**Southern
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5716 Corsa Avenue, Suite 203
Estlake Village, California 91362
Telephone: (818) 865-2807
Facsimile: (818) 865-0805
Email: SoCal@PHHLaw.com

Los Angeles Office
Telephone: (213) 689-3278

San Francisco Office
Telephone: (415) 255-7899

San Diego Office
Telephone: (619) 232-0131

SENT VIA FACSIMILE ONLY

Robert Nelder
Anthony Topolsky
HASSARD BONNINGTON LLP
Two Embarcadero Center, Suite 1800
San Francisco, CA 94111-3993

Re: Everette Hogge, et ux. v. A.W. Chesterton Co., et al.
SFSC Case No. 452846

Dear Mr. Nelder and Mr. Topolsky:

Our expert witness Richard Hatfield is unable to testify at trial due to the fact that he is currently in the hospital and may not be available the week of June 4, 2007. Mr. Hatfield recently had a heart attack.

His associate at MAS, Inc., Bill Longo, has agreed to testify at trial on June 5 or June 6, 2007 in Mr. Hatfield's place. Dr. Longo has reviewed the same material and his anticipated testimony is the same.

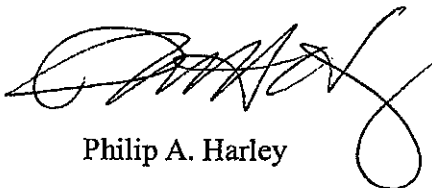
Dr. Longo is available for deposition next week as follows:

Wednesday, May 30, 2007 at 10:00 a.m. Pacific Time via telephone
Dial in number: 877-903-2255; passcode: 6686500

Plaintiffs' counsel agrees that Dr. Anderson may testify in place of Dr. Fowler on the condition that John Crane Co. accepts Dr. Longo's testimony in place of Mr. Hatfield's.

If John Crane Co. objects to Dr. Longo's testimony, plaintiffs will object to Dr. Anderson testifying at trial.

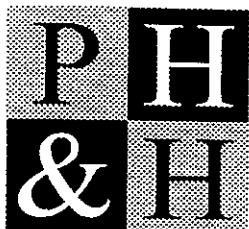
Very truly yours,



Philip A. Harley

EXHIBIT 9

EXHIBIT 10



**Jerry Neil Paul
Dean A. Hanley
Philip A. Harley**

David L. Arnell
Robert L. Barrow
Jennifer K. Berg
Robert M. Brown
Gloria E. Chun
Christopher E. Clay
Langston M. Edwards
Benjamin D. Goldstein
Alina C. Guzmán
Carlos J. Guzmán
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J. Rae Lovko
Kelly A. McMeekin
Paul M. Myers
Jon R. Neumann
Eric N. Perram
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Mark A. Swanson
Joseph L. Urbanski
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C. Daniel Wasson

of counsel

Madelyn J. Chaber
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Anthony E. Vieira

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Los Angeles Office

Telephone: (213) 689-3278

San Francisco Office

Telephone: (415) 255-7899

San Diego Office

Telephone: (619) 232-0131

Paul, Hanley & Harley LLP

Trial Lawyers for Injured Workers and Their Families.

May 30, 2007

SENT VIA FACSIMILE ONLY

Robert Nelder
Anthony Topolsky
HASSARD BONNINGTON LLP
Two Embarcadero Center, Suite 1800
San Francisco, CA 94111-3993

CALENDARED

Re: Everette Hogge, et ux. v. A.W. Chesterton Co., et al.
SFSC Case No. 452846

Dear Mr. Nelder and Mr. Topolsky:

Richard Hatfield has informed us that he has sufficiently recovered from his recent illness and can testify at trial next week. Therefore, we will not be offering Dr. Longo for deposition, nor will we schedule Dr. Longo to appear at trial.

The appearance of plaintiffs' witnesses at trial will proceed according to the schedule outlined below.

Witnesses identified for a given day may well carry over to a subsequent day, although not necessarily the next day. Plaintiffs reserve the right to advance or rearrange the order of witnesses should it become necessary to accommodate schedules. Witnesses may be taken out of order or interrupted to accommodate other witnesses.

Monday, June 4, 2007

Dr. Arnold Brody
Dr. Richard Cohen

Tuesday, June 5, 2007

Dr. Allan Smith

Wednesday, June 6, 2007

Herbert Stanley
Dr. Barry Ben-Zion

Thursday, June 7, 2007

Richard Hatfield

Very truly yours,

/s/

Diana Sage
Paralegal

JC
Ce RLVN
Ce ATT
Ce Susan